

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 16-1005.01 Jery Payne x2157

HOUSE BILL 16-1296

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HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

Tate,

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House Committees  
Transportation & Energy

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE UNLICENSED SELLING OF AUTOMOBILES.

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill increases the penalties on unlicensed car dealers.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 12-6-121 as

3 follows:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
Amended 2nd Reading  
March 24, 2016

1           **12-6-121. Penalty.** Any person who willfully violates any of the  
2 provisions of this part 1 or who willfully commits any offense in this part  
3 1 declared to be unlawful commits a class 1 misdemeanor and shall be  
4 punished as provided in section 18-1.3-501, C.R.S.; except that any  
5 person who violates ~~the provisions of~~ section 12-6-120 (2) commits a  
6 ~~class 3~~ misdemeanor and, upon conviction thereof, shall be punished by  
7 a fine of not less than ~~one hundred dollars or more than~~ one thousand  
8 dollars AND A PENALTY OF TWENTY-FIVE HOURS OF USEFUL PUBLIC  
9 SERVICE, NEITHER OF WHICH THE COURT MAY SUSPEND, for each separate  
10 offense; except that, if the violator is a corporation, the CORPORATION  
11 SHALL BE PUNISHED BY A fine ~~shall be~~ OF not less than five hundred  
12 THOUSAND dollars ~~or~~ NOR more than ~~two thousand five hundred~~  
13 TWENTY-FIVE THOUSAND dollars for each separate offense. A second  
14 conviction FOR AN INDIVIDUAL shall be punished by a fine of ~~two~~  
15 ~~thousand five hundred dollars~~ NOT LESS THAN FIVE THOUSAND DOLLARS  
16 NOR MORE THAN TWENTY-FIVE THOUSAND DOLLARS AND IMPRISONMENT  
17 OF TEN DAYS, NEITHER OF WHICH THE COURT MAY SUSPEND.

18           **SECTION 2.** In Colorado Revised Statutes, **amend 12-6-121.5**  
19 **as follows:**

20           **12-6-121.5. Fines - disposition - unlicensed sales.** ~~Any~~ OF ANY  
21 fine collected for a violation of section 12-6-120 (2) ~~HALF~~ shall be  
22 awarded to the law enforcement agency which investigated and issued the  
23 citation for ~~said~~ THE violation AND THE OTHER HALF SHALL BE CREDITED  
24 TO THE AUTO DEALERS LICENSE FUND CREATED IN 12-6-123.

25           **SECTION 3. Act subject to petition - effective date -**  
26 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
27 the expiration of the ninety-day period after final adjournment of the

1 general assembly (August 10, 2016, if adjournment sine die is on May 11,  
2 2016); except that, if a referendum petition is filed pursuant to section 1  
3 (3) of article V of the state constitution against this act or an item, section,  
4 or part of this act within such period, then the act, item, section, or part  
5 will not take effect unless approved by the people at the general election  
6 to be held in November 2016 and, in such case, will take effect on the  
7 date of the official declaration of the vote thereon by the governor.

8 (2) This act applies offenses committed on or after the applicable  
9 effective date of this act.